

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00156-MOC-WCM

KRISTINA RENE FROST and
GARY ALLEN MAYS,
Individually and as Personal
Representatives of the Estates of
Shawna Rene Mays and
Tristan Allen Mays

Plaintiffs,

v.

AMSAFE COMMERCIAL
PRODUCTS, INC., AMSAFE, INC.,
TRANSDIGM GROUP, INC., and
SHIELD RESTRAINT SYSTEMS, INC.

Defendants.

ORDER

This matter is before the Court on a “Notice of Withdrawal” filed by defense counsel Kelly Eisenlohr-Moul (the “Notice,” Doc. 19).

On July 16, 2021, Ms. Eisenlohr-Moul filed a Motion to Dismiss on behalf of Defendants. Doc. 10. That motion is currently pending.

On July 29, 2021, Ms. Eisenlohr-Moul filed a motion seeking the *pro hac vice* admission of H. Toby Schisler. That motion was granted. Docs. 15, 16.

On July 30, 2021, Ms. Eisenlohr-Moul filed a motion seeking the *pro hac vice* admission of Lindsey J. Boyd. That motion was also granted. Docs. 17, 18.

Also on July 30, 2021, and following the Order granting the *pro hac vice* admission of Ms. Boyd, Ms. Eisenlohr-Moul filed the subject Notice which states that she “will no longer be employed at Dinsmore & Shohl LLP as of Friday, July 30, 2021, and hereby withdraws as counsel for AmSafe Commercial Products, Inc., AmSafe Inc., Transdigm Group, Inc., and Shield Restraint Systems, Inc.” Doc. 19.

The Notice it is not effective as allowing Ms. Eisenlohr-Moul to withdraw and will not be recognized. Generally, while this district allows the substitution of counsel, see LCvR 83.1(g), attorneys wishing to withdraw from a matter may not simply do so unilaterally, but rather must obtain leave of court, as described in Local Civil Rule 83.1(f). Further, in this case, Ms. Eisenlohr-Moul has now made two motions for the *pro hac vice* admission of out of district counsel. As described by Local Civil Rule 83.1(b)(1), attorneys appearing *pro hac vice* “must associate local counsel and be accompanied by local counsel at all hearings unless otherwise permitted by the Court.” Therefore, even if the Notice were deemed to be a motion to withdraw, it could not be allowed as doing so would leave Defendants, and attorneys Schisler and Boyd, without local counsel.

Accordingly, the “Notice of Withdrawal” filed by defense counsel Kelly Eisenlohr-Moul (Doc. 19) is **DEEMED INEFFECTIVE**.

It is so ordered.

Signed: July 30, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

